

LAMBERT AND ANTHONY

February 27, 1995

DOCKET FILE COPY ORIGINAL

Mr. William F. Caton, Acting Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

In re: D.J. Broadcasting, Inc.
(WKDE Altavista, Virginia)
Ridle Radio, Inc.
(WSKO Buffalo Gap, Virginia)
Petition for Rulemaking
Table of Allotments - FM Stations
§73.202[b]

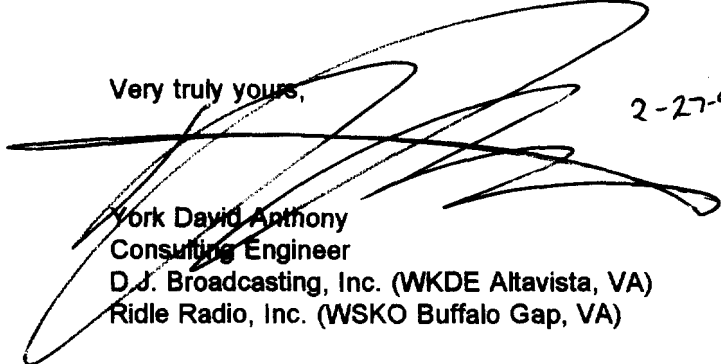
Honourable Secretary:

Transmitted herewith on behalf of D.J. Broadcasting, Inc, licensee of FM station WKDE Altavista, Virginia, and Ridle Radio, Inc., licensee of FM broadcast station WSKO Buffalo Gap, Virginia, is an original and four copies of a *Petition for Rulemaking* to modify §73.202[b], Table of Allotments, FM Broadcast Stations.

The character of this pleading requires no filing fee.

Should there be enquiry please direct it to the undersigned.

Very truly yours,



2-27-95

York David Anthony
Consulting Engineer
D.J. Broadcasting, Inc. (WKDE Altavista, VA)
Ridle Radio, Inc. (WSKO Buffalo Gap, VA)

:dya

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FEB 28 1995

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Before the

FEDERAL COMMUNICATIONS COMMISSION

Washington, DC 20554

In the matter of

Amendment of §73.202[b]
Table of Allotments, FM Broadcast Stations

(Buffalo Gap and Altavista, Virginia)

RM # _____

MM Docket # _____

To: **Acting Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau**

DOCKET FILE COPY ORIGINAL

PETITION FOR RULEMAKING

Comes now D. J. Broadcasting, Inc., licensee of FM broadcast station WKDE-FM Altavista, Virginia, of P.O. Box 390, Altavista, Virginia 24517; and Ridle Radio, Inc., licensee of FM broadcast station WSKO Buffalo Gap, Virginia¹, of Box 3206, Staunton, Virginia 24402 ("**Petitioners**"), who, pursuant to §1.420 of the Commission's Rules and Regulations, seek a petition to modify §73.202[b], Table of Allotments, FM Broadcast Stations. The Petitioners will show that the requested modification to the Table of Allotments is a preferential arrangement that will remove multiple short spacings and permit the Petitioners respective stations to increase power to full class "A" facilities of 6.0 kilowatts and 100 meters height above the average terrain, or the equivalent. In support whereof, the Petitioners present the following:

1. Scope of Rulemaking. The Petitioners seek to substitute channel 238A for channel 288A at Buffalo Gap, Virginia, and subsequently modify the license of WSKO to specify operation on channel 238A. Altavista, Virginia's allotment for WKDE would remain on channel 288A. However, these proposals are linked because WSKO is WKDE's only remaining short-spacing to obtaining six kilowatts ERP.

2. Analysis of Buffalo Gap (WSKO). Referring to Exhibits 1 and 2, it can be seen that the Buffalo Gap channel 288A allotment is multiply short spaced to stations WKDE (1.61 kilometers); channel 288A at

¹ Ridle Radio, Incorporated consummated its transaction with the former licensee of WSKO, Tschudy Communications, Inc., on Wednesday, February 22, 1995, and the Commission has been so notified of consummation by telecopier and hard copy.

Louisa, Virginia (7.65 kilometers), and channel 288A at Lewisburg, West, Virginia. (7.70 kilometers)² A channel search was conducted and it has been determined that at WSKO's presently licensed transmitter site channel 238A is fully spaced under §73.207(b)(1) and could therefore operate at the full lawful power of 6.0 kilowatts and 100 meters HAAT, or the equivalent class contour distance of 28 km. WSKO cannot operate at full class "A" power on channel 288A. This engineering study is presented in Exhibit 2. The proposed substitution is an "equivalent class channel" and accordingly no competing expressions of interest should be entertained by the Commission for the use of channel 238A at Buffalo Gap, Virginia.³

3. Analysis of Altavista (WKDE). Although Altavista is not requesting a channel change, this proposal is linked to WKDE for financial and engineering reasons. As Exhibit 3 shows, WSKO is the sole remaining short spacing to WKDE that limits WKDE from a power increase to six kilowatts. However, WSKO's discrete HAAT towards Altavista (180° from WSKO) is 142 meters. This terrain advantage of WSKO causes unusually strong cochannel interference to WKDE. While we recognise that the Commission uses the procedures in §73.207 to allocate FM stations and specifically does *not* consider odious propagation effects, nevertheless, the removal of WSKO's multiple short spacings and WKDE's remaining short spacing will eliminate this peculiar interference effect and permit power increases for both stations.⁴

4. Community Coverage Issues. This Petition concerns operating stations that meet §73.315 of the Commission's Rules concerning principal city coverage of 70 dBuV. Altavista will remain at its present site, on its same channel, and at the same HAAT, and file FCC Form 301 seeking a power increase to six kilowatts

² However, Lewisburg's channel 288A allotment (occupied by WKCJ) will ultimately be vacated for channel 276A as a consequence of the Commission's Report and Order in Docket 92-32, RM-7907 (*Blacksburg and Roanoke, Virginia, and Lewisburg, West Virginia*). It is not known if WKCJ has yet vacated channel 288A.

³ The Commission considers channels of the same class to be equivalent unless showings cannot be constructed for reasons such as environmental consequences or air hazards. In this case, WSKO Buffalo Gap is seeking modification of its license to specify channel 238A at its licensed site. See Modification of FM and TV Licenses, 98 FCC 2d 916 (1984); §1.420 of the Commission's Rules; Vero Beach, Florida, 3 FCC Rcd 1049 (1988) *rev. denied*, 4 FCC Rcd 2184, 2185 (1989).

⁴ There is also anecdotal evidence that WSKO suffers from the same "received interference" problem on the cochannel and upper adjacent channel due to other stations that have the same terrain "quirks". This is because of the terrain in the Shenandoah Valley of Virginia. The channel that WSKO is proposing (238A) has, as its nearest neighbour, a class "C1" station 261 kilometers away when only 200 is required.

should the Commission concur in this Petition. Buffalo Gap will have its license modified to channel 238A, and whether it elects to operate at its presently licensed site at the same HAAT with its licensed power or increases to establish a class contour distance of 28 kilometers, it will also meet §73.315. Thus, no demonstration of community coverage with maps is required in this case.

5. Reimbursement Issues. D.J. Broadcasting, Inc. agrees to reimburse Ridle Radio, Inc. for the reasonable and prudent costs associated with its channel change should the Commission ultimately adopt this Petition.

WHEREFORE, the Petitioners respectfully request that the Commission issue a Notice of Proposed Rulemaking seeking modification of §73.202[b] to reflect the following changes as a preferential arrangement of allotments:

§73.202[b] - Table of Allotments, FM Broadcast Stations

Buffalo Gap, Virginia

Before
288A

After
238A

Altavista, Virginia

Before
288A

After
288A

Certifications. D. J. Broadcasting, Inc. and Ridle Radio, Inc. respectively certify that the statements contained herein are true to the best of their knowledge and belief, that they are the *bona fide* Petitioners in the above captioned matter, and that they respectively represent their stations in the capacity indicated. York David Anthony, engineering consultant to the Petitioner, certifies that the engineering material contained herein was prepared by him personally, the statements contained herein as to engineering matters are true to the best of his knowledge and belief, and that he represents the Petitioners in the capacity indicated. D.J. Broadcasting, Inc. certifies that it will reimburse Ridle Radio, Inc. for the reasonable and prudent expenses in changing channels should the Commission ultimately adopt this proposal.

David Hoehne 2-26-95

For D. J. Broadcasting, Inc. *President*
 WKDE Altavista, Virginia
 David Hoehne
 President

This the 26th day February, 1995

Robert C. Ridle 2/27/95

PRESIDENT
 For Ridle Radio, Inc.
 WSKO Buffalo Gap, Virginia
 Robert Ridle
 President

This the 27 th day February, 1995

[Signature] 2-26-95

For Petitioners
 York David Anthony⁵
 Consulting Engineer
 WKDE Altavista, Virginia
 WSKO Buffalo Gap, Virginia

This the 26th day February, 1995.

⁵ A copy of Commission pleadings should be served on the engineering consultant at 2613 Craig Avenue, Concord, North Carolina 28027-4107, (704) 786-8874.

EXHIBIT 1
D.J. BROADCASTING, INC. AND RIDLE RADIO, INC.
PETITION FOR RULEMAKING - §73.202(b), FM TABLE OF ALLOTMENTS

§73.207 SPACING STUDY - EXISTING WSKO, BUFFALO GAP, VA OPERATION ON CHANNEL 288A

Title: WSKO Buffalo Gap, Virginia
Channel 288A (105.5 MHz)
Database: FCC 01/24/95

Latitude: 38-10-55
Longitude: 79-13-34
Safety zone: 45 km

Call City of License	Auth License	Licensee name St FCC File no.	Chan Freq	ERP-kW EAB-m	Latitude Longitude	Br-to -from	Dist. (km)	Req. (km)
WPVR Roanoke	LIC	Jim Gibbons Radio Inc. VA BLH-811223AH	235C 94.9	100 604	37-11-50 80-09-11	217.0 36.4	136.5 107.5	29 CLEAR
WQWZ Charlottesville	LIC	Charlottesville Broadcas VA BMLH-891222KG	236A 95.1	6.00 44	38-02-54 78-28-12	102.4 282.4	67.95 57.95	10 CLEAR
WRDJ Roanoke	APC	Susan D. Brown VA BPH-930728IZ	285C3 104.9	2.50 313	37-20-06 79-54-16	212.6 32.6	111.4 69.40	42 CLEAR
ALLOC Roanoke		VA Docket 92-32	285C3 104.9		37-20-33 79-53-50	212.5 32.5	110.4 68.35	42 CLEAR
WAMM-FM Bridgewater	LIC	WRDJ, Inc. VA BLH-890606KD	286A 105.1	3.00 95	38-24-30 78-54-04	48.31 228.3	37.95 6.949	31 CLEAR
WAMM-FM Bridgewater	LIC	WRDJ, Inc. VA BPH-911022ID	286A 105.1	6.00 100	38-24-30 78-54-04	48.31 228.3	37.95 6.949	31 CLEAR
WRDJ Roanoke	LIC	Susan D. Brown VA BPH-880602OJ	287A 105.3	3.00 313	37-17-01 79-59-14	214.1 34.1	120.2 48.18	72 CLEAR
WKDE Altavista	LIC	D.J. Broadcasting, Inc. VA BLH-870130KA	288A 105.5	3.00 100	37-09-37 79-13-28	179.9 0.1	113.4 -1.61	115 SHORT
WSKO Buffalo Gap	LIC	Tschudy Communications, I VA BLH-870331KQ	288A 105.5	3.00 94	38-10-55 79-13-34	0.0 0.0	0.0 0.0	115 SHORT
WLSA Louisa	LIC	Mid-Virginia Broadcasting VA BMLH-891222KE	288A 105.5	3.30 91	38-01-37 78-01-05	98.89 278.9	107.4 -7.65	115 SHORT
WKCJ Lewisburg	LIC	Seneca Broadcasting Co. WV BLH-910204KD	288A 105.5	0.54 238	37-48-17 80-21-03	247.3 67.32	107.3 -7.70	115 ⁶ SHORT
WLCC Luray	LIC	Commonwealth Audio Visual VA BMLH-910314KD	289A 105.7	0.44 329	38-30-41 78-29-15	60.14 240.1	74.21 2.213	72 CLEAR
WLNI Lynchburg	LIC	Friendship Broadcasting C VA BLH-931206KC	290A 105.9	6.00 81	37-25-37 79-07-26	173.9 353.9	84.28 53.28	31 CLEAR
WJJS Vinton	CP	Michael Scott Copeland VA BPH-880427MA	291A 106.1	3.00 28	37-17-01 79-59-14	214.1 34.08	120.2 89.18	31 CLEAR

⁶ Ordered to channel 276A by Report and Order, Docket 92-32, DA-92-1008, RM-7907
Blacksburg, VA; Roanoke, VA; and Lewisburg, WV

EXHIBIT 2
D.J. BROADCASTING, INC. AND RIDLE RADIO, INC.
PETITION FOR RULEMAKING - §73.202(b), FM TABLE OF ALLOTMENTS

§73.207 SPACING STUDY - PROPOSED WSKO, BUFFALO GAP, VA OPERATION ON CHANNEL 238A

Title: WSKO Buffalo Gap, Virginia
Channel 238A (95.5 MHz)
Database: FCC 01/24/95

Latitude: 38-10-55
Longitude: 79-13-34
Safety zone: 45 km

Call	Auth	Licensee name	Chan	ERP-kW	Latitude	Br-to	Dist.	Req.
City of License		St FCC File no.	Freq	EAH-m	Longitude	-from	(km)	(km)
WPVR	LIC	Jim Gibbons Radio Inc.	235C	100	37-11-50	217.0	136.5	95
Roanoke		VA BLH-811223AH	94.9	604	80-09-11	36.4	41.52	CLEAR
WQME	LIC	Charlottesville Broadcas	236A	6.00	38-02-54	102.4	67.95	31
Charlottesville		VA EMLH-891222KG	95.1	44	78-28-12	282.4	36.95	CLEAR
WFTR	LIC	Stratus Communication In	237A	4.00	38-58-29	44.95	125.3	72
Front Royal		VA EMLH-900507KE	95.3	91	78-12-09	224.9	53.30	CLEAR
WRRL-FM	LIC	R-B Company, Inc.	237A	3.10	37-57-28	260.0	137.1	72
Rainelle		WV EMLH-911206KD	95.3	140	80-45-45	80.95	65.10	CLEAR
ALLOC			237B1		38-07-21	267.3	122.9	96
Rainelle		WV DOC 93-209	95.3		80-37-37	87.31	26.96	CLEAR
WRRL-FM	CP	R-B Company, Inc.	237B1	13.0	37-57-28	260.0	137.1	96
Rainelle		WV BPH-940503IZ	95.3	139	80-45-45	80.95	41.10	CLEAR
WHPE-FM	LIC	Bible Broadcasting Networ	238C1	100	35-55-10	195.9	261.1	200
High Point		NC BLH-880606KB	95.5	158	80-01-47	15.94	61.08	CLEAR
WFLO-FM	LIC	Colonial Broadcasting Co.	239B	40.0	37-18-38	142.4	121.8	113
Farmville		VA BLH-840720CR	95.7	103	78-23-13	322.4	8.755	CLEAR
WTBZ-FM	LIC	Taylor-Barbour Broadcast	240A	3.00	39-21-16	332.3	147.5	31
Grafton		WV BLH-880405KQ	95.9	91	80-01-27	152.3	116.5	CLEAR
WLTK	LIC	Massanutten Broadcasting	241B1	2.60	38-33-50	29.46	48.78	48
Broadway		VA BLH-900531KA	96.1	308	78-57-00	209.5	0.774	CLEAR

EXHIBIT 3
D.J. BROADCASTING, INC. AND RIDLE RADIO, INC.
PETITION FOR RULEMAKING - §73.202(b), FM TABLE OF ALLOTMENTS

§73.207 SPACING STUDY - EXISTING WKDE, ALTAVISTA, VA OPERATION ON CHANNEL 288A

Title: WKDE Altavista, VA
Channel 288A (105.5 MHz)
Database: FCC 1/24/95

Latitude: 37-09-37
Longitude: 82-05-32
Safety zone: 50 km

Call City of License	Auth License	Licensee name St FCC File no.	Chan Freq	ERP-kW EAB-m	Latitude Longitude	Br-to -from	Dist. (km)	Req. (km)
WDJR Raleigh	LIC	Durham Life Broadcasting NC BLH-910411KB	234C 94.7	100 512BT	35-40-35 78-32-09	159.3 339.7	175.9 146.9	29 CLEAR
WPVR Roanoke	LIC	Jim Gibbons Radio, Inc. VA	234C 94.9	100 332	37-11-50 80-09-11	273.1 92.61	82.57 53.57	29 CLEAR
WRDJ Roanoke	APC	Susan D. Brown VA BPH-930728IZ	285C3 104.9	2.50 313	37-20-06 79-53-50	288.1 108.1	63.37 32.37	31 CLEAR
WDCG Durham	LIC	Prism Radio Partners, LP NC BLH-880721KD	286C 105.1	100 313	35-52-20 79-09-29	177.6 2.402	143.1 48.1	95 CLEAR
WMAZ-FM Bridgewater	LIC	WRDJ, Inc. VA BLH-890606KD	286A 105.1	3.00 95	38-24-30 79-09-29	11.47 191.4	141.4 100.4	31 CLEAR
WMAZ-FM Bridgewater	CP	WRDJ, Inc. VA BPH-911022ID	286A 105.1	3.00 95	38-24-30 79-09-29	11.47 191.4	141.4 100.4	31 CLEAR
WVVV Blacksburg	CP	Blacksburg-Christiansburg VA BPH-930111IC	287C3 105.3	3.80 144	37-11-12 80-28-54	271.9 91.89	111.7 22.69	89 CLEAR
WRDJ Roanoke	LIC	Susan D. Brown VA BPH-880602OJ	287A 105.3	3.00 23	37-13-56 79-59-14	281.7 101.2	69.07 -2.93	72 SHORT
WKDE-FM Altavista	LIC	D.J. Broadcasting, Inc. VA BLH-870130KA	288A 105.5	3.00 100	37-09-37 79-13-28	0.0 0.0	0.00 -115	115 SHORT
WSKO Buffalo Gap	LIC	Tschudy Communications, I VA BLH-870331KQ	288A 105.5	3.00 94	38-10-55 79-13-34	359.9 179.9	113.4 -1.61	115 SHORT
WSHV South Hill	LIC	Old Belt Broadcasting Inc. VA BLH-890213KE	288A 105.5	3.00 100	36-44-39 78-09-42	115.8 296.4	105.3 -9.68	115 ⁷ SHORT
WLSA Louisa	LIC	Mid-Virginia Broadcasting VA BMLH-891222KE	288A 105.5	3.30 91	38-01-37 78-01-05	47.42 228.2	143.5 28.54	115 CLEAR
WKCV Lewisburg	LIC	Seneca Broadcasting Co. WV BLH-910204KD	288A 105.5	0.54 238	37-48-17 80-21-03	306.1 125.4	122.6 7.642	115 ⁸ CLEAR

⁷ This allotment has been / is changed to channel 255A in MM Docket 92-128, DA 92-752, RM-8002 (South Hill and Lawrenceville, VA, 7 FCC Rcd 3942).

⁸ Ordered to channel 276A by Report and Order, Docket 92-32, DA-92-1008, RM-7907 Blacksburg, VA; Roanoke, VA; and Lewisburg, WV

EXHIBIT 3
D.J. BROADCASTING, INC. AND RIDLE RADIO, INC.
PETITION FOR RULEMAKING - §73.202(b), FM TABLE OF ALLOTMENTS

§73.207 SPACING STUDY - EXISTING WKDE, ALTAVISTA, VA OPERATION ON CHANNEL 288A

Title: WKDE Altavista, VA	Latitude: 37-09-37
Channel 288A (105.5 MHz)	Longitude: 82-05-32
Database: FCC 1/24/95	Safety zone: 50 km

Call	Auth	Licensee name	Chan	ERP-kW	Latitude	Br-to	Dist.	Req.
City of License	St	FCC File no.	Freq	MHz-m	Longitude	-from	(km)	(km)
WLCC	LIC	Commonwealth Audio Visual	289A	0.44	38-30-41	23.12	163.4	72
Luray		VA BMLH-910314KD	105.7	329	78-29-15	203.5	91.39	CLEAR
WLNI	LIC	Friendship Broadcasting C	290A	6.00	37-25-37	16.67	30.91	31 ⁹
Lynchburg		VA BLH-931206KC	105.9	81	79-07-26	196.7	-0.09	SHORT
WJJS	CP	Michael Scott Copeland	291A	3.00	37-17-01	281.7	69.07	31
Vinton		VA BPH-880427MA	106.1	28	79-59-14	101.7	38.07	CLEAR

⁹ De minimis short spacing (rounds up to 31 km) and is therefore fully spaced.

CERTIFICATE OF SERVICE

I, York David Anthony, of 2613 Craig Avenue, Concord, North Carolina, do hereby certify that the attached Petition for Rulemaking was served on the following parties, First Class Mail, postage prepaid, except where the service was made as noted:

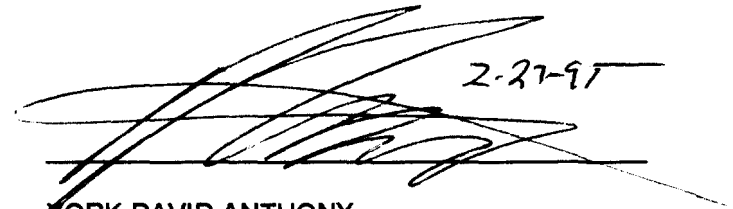
Original and Four Copies

Mr. William F. Caton, Acting Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554
(via hand delivery)

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Lambert & Anthony, Consulting Engineers
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(via hand delivery)


YORK DAVID ANTHONY
Affiant

This the 27th day February, 1995